



# Public Notice

U.S. Army Corps of Engineers, Norfolk District

January 6, 2015

CENAO-WR-R  
NAO-2011-1581

## FEDERAL PUBLIC NOTICE

The District Commander has received a joint application for Federal and State permits as described below:

### APPLICANT

Sherry Djouharian  
Prince William County  
Department of Transportation  
5 County Complex Court, Suite 290  
Prince William, VA 22192

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in Kettle Run, a tributary to Broad Run, near Nokesville, in Prince William County, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to widen and improve Route 28 (Nokesville Road), including new crossing structures and stormwater management facilities. The proposed work extends from immediately south of the Bristow Village neighborhood southward to approximately 2000 feet north of Fitzwater Drive. The applicant's stated purpose is to improve traffic flow and safety and provide a better separation for the Route 28/Vint Hill Road and Route 28/Linton Hall Road intersections in order to relieve traffic congestion.

The proposed work will cause total permanent impacts to 3410 square feet of wetlands (including open water, scrub shrub, and forested wetlands) and 2683 linear feet of stream, resulting from six impact areas.

Alternatives to avoid and minimize impacts were evaluated as part of a 2012 Revised Environmental Assessment by the Federal Highway Administration. Earlier versions of the project involved work over a longer section of Route 28, and alternative alignments were considered. However, because the scale of the project was reduced from a 13 mile project to the currently proposed approximate 3-mile-long section, realignment alternatives were not considered further. Impacts were substantially avoided by the reduction in the scope of the project. Further avoidance and minimization of impacts as part of the proposed widening project was constrained by the location of the existing road, design standards for the roadway, stormwater requirements and topography. To compensate for unavoidable impacts to streams and wetlands, the applicant proposes the purchase of credits from an approved mitigation bank. The applicant proposes to

purchase 2,999 stream compensation credits (based on the application of the Unified Stream Methodology) and 0.111 wetland compensation credits, based on the application of standard mitigation ratios.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ) assuring that applicable laws and regulations pertaining to water quality are not violated. Select project drawings are attached.

AUTHORITY: Permits are required pursuant to Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the direct, indirect, and cumulative impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Commander within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Commander will then decide if a hearing should be held.

Preliminary review indicates that: (1) In 2012, the Federal Highway Administration (FHWA), lead Federal agency, prepared a Revised Environmental Assessment and Finding of No Significant Impact (FHWA had prepared two previous EAs in preceding years); no Environmental Impact Statement will be required. (2) FHWA concluded in their 2012 EA that the project is not likely to adversely affect listed/proposed/candidate species and/or designated/proposed critical habitat under the Endangered Species Act

of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended. In reaching that conclusion, surveys for small whorled pogonia (*Isotria medeoloides*) were conducted in 2010 and 2011, and no specimens were found. Based on the FHWA determination, no further coordination with the Fish and Wildlife Service is required; and (3) In 2011, the Virginia Department of Historic Resources concurred with FHWA that no known properties eligible for inclusion or included in the National Register of Historic Places would be affected by the proposal. Additional information might change any of these findings.

For compliance with the Coastal Zone Management Act of 1972, as amended for projects located in Tidewater, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal uses or resources will be conducted in a manner consistent with the Virginia Coastal Zone Management Program (VCP) and obtain concurrence from the Department of Environmental Quality (DEQ), Office of Environmental Impact Review (OEIR). We have not received a certification from the applicant prior to publication of this public notice. It is the applicant's responsibility to submit a consistency certification to the Office of Environmental Impact Review for concurrence or objection and proof of concurrence must be submitted to the Corps prior to final permit issuance. A template federal consistency certification can be found here: <http://www.deq.virginia.gov/Programs/EnvironmentalImpactReview/FederalConsistencyReviews.aspx#cert> . For more information or to obtain a list of the enforceable policies of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: [ellie.ironson@deq.virginia.gov](mailto:ellie.ironson@deq.virginia.gov) or [john.fisher@deq.virginia.gov](mailto:john.fisher@deq.virginia.gov).

**COMMENT PERIOD:** Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-WR-R), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on February 6, 2015.

**PRIVACY & CONFIDENTIALITY:** Comments and information, including the identity of the submitter, submitted in response to this Public Notice may be disclosed, reproduced, and distributed at the discretion of the U.S. Army Corps of Engineers. Information that is submitted in connection with this Public Notice cannot be maintained as confidential by the U.S. Army Corps of Engineers. Submissions should not include any information that the submitter seeks to preserve as confidential.

If you have any questions about this project or the permit process, contact Alice Allen-Grimes at 757-201-7219 or [alice.w.allen-grimes@usace.army.mil](mailto:alice.w.allen-grimes@usace.army.mil).

Attachment: Map, Drawings

